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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,986	11/25/2003	Dana Ward	KOZ001	6986
25962	7590	09/07/2005	EXAMINER	
SLATER & MATSIL, L.L.P. 17950 PRESTON RD, SUITE 1000 DALLAS, TX 75252-5793			BRITTAIN, JAMES R	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

MC

Office Action Summary

Application No.

10/721,986

Applicant(s)

WARD, DANA

Examiner

James R. Brittain

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by May (US 5680679).

May (figures 1, 9-11) teaches bracelet structure 400 inherently usable to hold money comprising an elastic loop 413 of a size to securely fit around and hold a quantity of currency, a charm attachment device 434, 442, 436 attached to the elastic loop, and a charm 448 attached to the charm attachment device, wherein the bracelet comprising a money holder is adapted to fit around a quantity of currency. In regard to claim 2, the money holder includes a covering comprising a sheath 425 made of knitted fabric. As to claim 3 and 5, the key holder 448 is removably attached to the charm attachment device. In regard to claim 4, the charm attachment device 434 is crimped onto the elastic loop via the sheath ends 428. In regard to claim 4, the elastic loop comprises one side member in the form of the sheath and the central core elastic member.

Claims 21, 22 and 28 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Lehr (US 6230878).

Lehr (figures 2, 4) teaches a decorative card and currency holder structure comprising an elastic loop 14, wherein the loop is configured to securely hold currency, and a charm 10 having

Art Unit: 3677

an opening 24 therethrough, the opening receiving therethrough the loop, wherein the card and currency holder is adapted to fit around the currency. In regard to claim 22, the charm 10 is free to slide along the loop. As to claim 28, the loop 14 is a continuous loop.

Claims 21 and 23-25 are rejected under 35 U.S.C. §102(b) as being clearly anticipated by Knickle (US 5279019).

Knickle (figures 1-5) teaches decorative card and currency holder structure comprising an elastic loop 12, wherein the loop is configured to securely hold currency, and a charm 20 having an opening there through, the opening receiving there through the loop wherein the card and currency holder is adapted to fit around the currency. The opening is formed by the top section 22 and the folded over flaps 28. The charm 20 is fixedly secured to the loop and the two ends of the elastic member are secured together within the folded over charm 20.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lehr (US 6230878) in view of May (US 5680679).

Lehr (figures 2, 4) teaches a decorative card and currency holder structure comprising an elastic loop 14, wherein the loop is configured to securely hold currency, and a charm 10 having an opening 24 therethrough, the opening receiving therethrough the loop, wherein the card and currency holder is adapted to fit around the currency. The difference is that the elastic member is

Art Unit: 3677

not enclosed in a woven covering. However, May (figures 1, 9-11) teaches bracelet structure 400 inherently usable to hold money comprising an elastic loop 413 of a size to securely fit around and hold a quantity of currency, a charm attachment device 434, 442, 436 attached to the elastic loop, and a charm 448 attached to the charm attachment device, wherein the bracelet comprising a money holder is adapted to fit around a quantity of currency and the money holder includes a covering comprising a sheath 425 made of knitted fabric. It would have been obvious to modify the decorative card and currency holder of Lehr so that there is a covering made a woven material over the elastic in order to provide better coloring, improved aesthetics and less abrasion as taught by May. While many uses a sheath made of knitted fabric, it would have been obvious to utilize a woven material as such materials are well-known and full equivalent of the knitted material.

Conclusion


The patents of Ferraro (US 6151172, figures 4, 7), Petty (US 5367752, figure 8), Malzahn (US 5920964, figure 7), Chen et al. (US 6324868, figure 1), Vidolin et al. (US 6880364, figure 1), Monderer et al. (US 5022237, figure 1) and Haase (US 5077869, figure 1) teach pertinent fastener structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is (571) 272-7065. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James R. Brittain
Primary Examiner
Art Unit 3677

JRB